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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
| 08/907,687      | 08/08/97    | SABOURIN             | M AZNDR/346/US      |

|                          |   |           |                          |              |
|--------------------------|---|-----------|--------------------------|--------------|
| <input type="checkbox"/> | ALIX, YALE & RISTAS, LLP<br>750 MAIN STREET<br>HARTFORD CT 06103-2721 | IM31/0310 | <input type="checkbox"/> | EXAMINER     |
|                          |   |           |                          | ALVO, M      |
|                          |   |           | ART UNIT                 | PAPER NUMBER |
|                          |   |           | 1731                     |              |

DATE MAILED: 03/10/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**Office Action Summary**

Application No.

08/907,087

Applicant(s)

SABOURIN

Examiner

Steve Alvo

Group Art Unit

1731

 Responsive to communication(s) filed on Dec 10, 1998 This action is **FINAL**. Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claims** Claim(s) 1-22 is/are pending in the application.Of the above, claim(s) 15-22 is/are withdrawn from consideration. Claim(s) \_\_\_\_\_ is/are allowed. Claim(s) 1-14 is/are rejected. Claim(s) \_\_\_\_\_ is/are objected to. Claims \_\_\_\_\_ are subject to restriction or election requirement.**Application Papers** See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948. The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner. The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved. The specification is objected to by the Examiner. The oath or declaration is objected to by the Examiner.**Priority under 35 U.S.C. § 119** Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d). All  Some\*  None of the CERTIFIED copies of the priority documents have been received. received in Application No. (Series Code/Serial Number) \_\_\_\_\_. received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

 Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).**Attachment(s)** Notice of References Cited, PTO-892 Information Disclosure Statement(s), PTO-1449, Paper No(s). 4, 5, 6, 9 Interview Summary, PTO-413 Notice of Draftsperson's Patent Drawing Review, PTO-948 Notice of Informal Patent Application, PTO-152**--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---**

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over PRUSAS et al with or without LUNAN et al or PCT 96/41914.

PRUSAS et al (column 4, lines 42-49) teaches conditioning fiber containing material at an elevated temperature and pressure with steam (column 8, lines 17-30) compressing the chips to a ratio of 3/1 to 5/1 (column 3, lines 14-15 and 36-38 and paragraph bridging columns 3-4) and chemically "refining" the chips (Fig. 5 for Kraft pulping process and column 8, lines 9-12 for refining the chips). It would have been obvious to the artisan that the high temperature steaming of PRUSAS et al would be under pressure. If this is not obvious then such would have been obvious from the teachings of LUNAN et al which teaches using high pressures (225-620 kPa or 32-90 psi) in the presteaming stage for short periods of time (16 seconds) to prevent discoloring of the pulp (see Abstract) prior to a pulp refining process (TMP). Or obvious to use high temperatures and short steaming times (10-30 seconds) as taught by PCT 96/41914

Claims 1, 2, 4-8, and 10-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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The term "refining" has been used to define a chemical pulping process. Such is inconsistent with the term as used in the papermaking art. The term "refining" does not include chemical pulping as used by Applicant's. It normally is used to refer to the "refining" of pulp in mechanical refiners, such as (28) of PRUSAS et al.

The restriction requirement of Paper No. 7 is repeated and made Final.

When filing an "**Official**" FAX in Art Unit 1731, please indicate in the Header (upper right) "**Official**" for papers that are to be entered into the file. The "**Official**" FAX phone number for this Art Unit is **(703) 305-7718** for all papers except amendments after final, for amendments after final the FAX number is 703-305-3599. When filing an "**Unofficial**" FAX in Group 1730, please indicate in the Header (upper right) "**Unofficial**" for Draft Documents and other Communications with the PTO that are not for entry into the file of the application. This will expedite processing of your papers. The "**Unofficial**" FAX phone number for this Art Unit (1731) is **(703) 305-7115**.

Any inquiry concerning this communication or earlier communications from the **primary examiner** should be directed to **Steve Alvo** whose telephone number is **(703) 308-2048**. The Examiner can normally be reached on Monday - Friday from **6:30 AM - 3:00 PM (EST)**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Stanley Silverman, can be reached on 703-308-3837.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Group receptionist** whose telephone number is **(703) 308-0661**.



STEVE ALVO  
PRIMARY EXAMINER  
ART UNIT 1731

MSA  
March 4, 1999